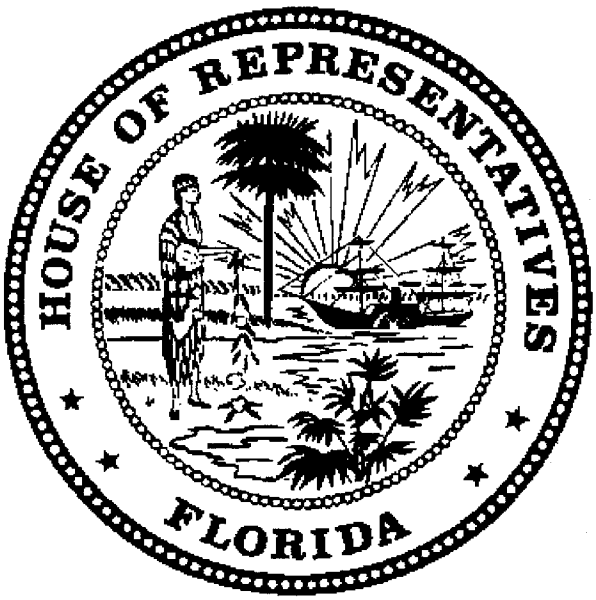

State Resources Council

Wednesday, March 22, 2006
8:00 AM
Reed Hall

Allan G. Bense
Speaker

Marty Bowen
Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

State Resources Council

Start Date and Time:	Wednesday, March 22, 2006 08:00 am
End Date and Time:	Wednesday, March 22, 2006 08:45 am
Location:	Reed Hall (102 HOB)
Duration:	0.75 hrs

Consideration of the following bill(s):

HB 255 CS Motor Vehicle Passenger Safety by Troutman
HB 261 Florida Incentive-based Permitting Act by Stansel
HB 641 CS Animal Service Providers by Russell
HB 705 Surplus State Lands by Littlefield
HB 1133 Key Largo Wastewater Treatment District, Monroe County by Sorensen

NOTICE FINALIZED on 03/20/2006 16:13 by REARDON.BILLIE

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 255 CS Farm Labor Vehicles
SPONSOR(S): Troutman and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 258

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	9 Y, 0 N, w/CS	Kaiser	Reese
2) Transportation Committee	17 Y, 0 N, w/CS	Thompson	Miller
3) State Resources Council		Kaiser	Hamby
4)			
5)			

SUMMARY ANALYSIS

HB 255 with CS requires every farm labor vehicle to be equipped at each passenger position with a seatbelt on or before January 1, 2008. Furthermore, the bill requires owners and operators of farm labor vehicles to prominently display standard instructions, to be created by the Department of Highway Safety and Motor Vehicles, advocating the use of the seat belts provided. The bill addresses liability relating to the use of the seat belts provided and provides penalties for violations.

The bill requires farm labor contractors to display a farm worker transportation authorization sticker, obtainable from the Department of Business and Professional Regulation, on all farm labor vehicles. The bill requires the Department of Highway Safety and Motor Vehicles to provide to the Department of Business and Professional Regulation a copy of each accident report involving a farm labor vehicle.

The bill also allows district school boards to use vehicles other than school buses for trips to and from certain agriculture-related sites and events and also provides certain vehicle, driver, and policy criteria.

This bill does not appear to have a fiscal impact on state or local government. The effective date of this legislation is July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill authorizes the Department of Business and Professional Regulation to issue a transportation authorization sticker for farm labor vehicles carrying migrant and seasonal farm workers. The bill requires each farm labor vehicle to be equipped with seat belts at each passenger position. The bill also requires school boards and charter schools to adopt certain policies related to the use of motor vehicles other than school buses to transport students.

B. EFFECT OF PROPOSED CHANGES:

Section 316.003, F.S., provides definitions relating to state traffic control. The current definition of "migrant farm worker" is amended to "migrant or seasonal farm worker". A migrant or seasonal farm worker is defined as "any person employed in hand labor operations in the planting, cultivation, or harvesting of agricultural crops".

The definition of "migrant farm worker carrier" is amended to "farm labor vehicle". A farm labor vehicle is defined as "any vehicle designed, used, or maintained for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities". The term does not include any vehicle carrying only members of the immediate family of the owner or driver, any vehicle being operated by a common carrier of passengers, or any carpool as defined in s. 450.28(3), F.S.

Current law requires all carriers of migrant farm workers to systematically inspect and maintain all motor vehicles and their accessories subject to the carriers' control to ensure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of Chapter 316, F.S. HB 255 with CS requires owners and operators of farm labor vehicles operating on the public highways of the state to ensure that said vehicles are in safe and proper operating condition in accordance with state and federal standards.

In 1986, the Legislature enacted the "Florida Safety Belt Law." Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. For persons over the age of 18, the "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their safety belts. Instead, the officer must first stop the motorist for a suspected violation of Chapters 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt. For operators and passengers under the age of 18, the safety belt law is enforced as a primary offense.

The bill provides that all farm labor vehicles must be equipped with a seatbelt assembly at each passenger position by January 1, 2008. Additionally, owners and operators of farm labor vehicles must prominently display standard instructions, to be created by the Department of Highway Safety and Motor Vehicles, requiring passengers to fasten their seat belts.

The bill states that a migrant or seasonal farm worker failing to use a seatbelt provided by the owner of a farm labor vehicle does not constitute negligence per se, and such failure can't be used as prima facie evidence of negligence or considered in mitigation of damages. Such failure may be considered as evidence of comparative negligence in a civil action. The bill further states that an owner or operator of a farm labor vehicle who fails to require all passengers to use a seat belt when the vehicle is in motion may not be considered as evidence of negligence in any civil action, provided that such vehicle is otherwise in compliance with s. 316.622, F.S.

Violations of this section are deemed to be a noncriminal traffic infraction. As provided in s. 318.18(16), F.S., a fine of one hundred dollars is imposed for:

- failure to display stickers authorizing said vehicle to transport migrant or seasonal farm workers, or
- failure to display notification requiring passengers to wear seat belts.

A fine of two hundred dollars is imposed for:

- operating a farm labor vehicle which fails to conform to vehicle safety standards, or
- failure to provide seat belts at each passenger position.

The bill also requires the Department of Highway Safety and Motor Vehicles to provide a copy of each accident report involving a farm labor vehicle, on a quarterly basis, to the Department of Business and Professional Regulation.

The bill requires farm labor contractors to obtain a farm worker transportation authorization sticker from the Department of Business and Professional Regulation before transporting migrant farm and seasonal workers in a farm labor vehicle. The sticker is to be displayed on the vehicle.

In addition, the bill amends cross-references for the new definition of "migrant or seasonal farm worker."

Section 1006.22, F.S., currently provides that school buses only be used for "regular transportation," to and from school or school-related activities that are part of a scheduled event to the same location of students enrolled in the public schools.

Section 1006.22, F.S., also provides the following criteria for motor vehicles other than school buses used by district school boards:

- When the transportation is for physically handicapped or isolated students and the district school board provides for transportation of the student through written or oral contracts or agreements;
- When transportation is a part of a comprehensive contract for a specialized educational program;
- When transportation is provided through a public transit system; and
- When transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. The use of multipurpose passenger vehicles, classified as utility vehicles with a wheelbase of 110 inches or less and required by federal motor vehicle standards to display a rollover warning label, are not permitted.

HB 255 with CS provides that district school boards may regularly use motor vehicles other than school buses that are owned, operated, rented, contracted, or leased by a school district or charter school when the transportation is for mid-day trips to and from school sites and agricultural education sites or for trips to and from agricultural education-related events and competitions. The following vehicle, driver, and policy provisions apply:

- The vehicle must be a passenger car, multipurpose passenger vehicle or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant protection system provided by the manufacturer unless the student's physical condition prohibits such use.
- Authorized vehicles may not be driven by students on public rights-of-way. An authorized vehicle may be driven by a student on school or private property without other students in the vehicle as part of the student's educational curriculum.

- Drivers of authorized vehicles transporting students must maintain a valid driver's license and must comply with the requirements of the district's locally adopted safe driver plan, including review of driving records for disqualifying violations.
- The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

C. SECTION DIRECTORY:

Section 1: Amends s. 316.003, F.S.; amending definitions for migrant or seasonal farm worker and farm labor vehicle.

Section 2: Repeals s. 316.620, F.S.

Section 3: Creates s. 316.622, F.S.; requiring farm labor vehicles to conform to federal and state safety standards; requiring farm labor vehicles to be equipped with seat belts on a date certain; requiring vehicle authorization stickers from the Department of Business and Professional Regulation for using a vehicle to transport farm workers; providing penalties; requiring notification; and, requiring Department of Highway Safety and Motor Vehicles to create notification.

Section 4: Amends s. 318.18, F.S.; creating penalties for non-compliance.

Sections 5, 6 and 7: Amends ss. 320.38, 322.031, and 450.181, F.S.; conforming language.

Section 8: Amends s. 450.28, F.S.; amending a definition for carpool.

Section 9: Amends s. 450.33, F.S.; requiring farm labor contractors to display vehicle authorization sticker on vehicles used to transport migrant or seasonal farm workers.

Section 10: Amends s. 1006.22, F.S., allowing district school boards to use motor vehicles other than school buses to transport students on mid-day trips to agricultural-related sites and events; revising the criteria for use of vehicles other than school buses; and, requiring the district school boards and charter schools to adopt a policy addressing procedures and liability for trips using vehicles other than school buses.

Section 11: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners or operators of farm labor vehicles may incur costs for bringing such vehicles into compliance with the bill's provisions. The amount of these costs is indeterminate. This bill will potentially enhance the safety of migrant and seasonal farm workers when being transported in farm labor vehicles.

D. FISCAL COMMENTS:

According to the Department of Highway Safety and Motor Vehicles, the revenue impact from operators who are cited for a violation of s. 316.622, F.S., is indeterminate at this time. The cost for producing the safety belt notification instructions is anticipated to be minimal and will most likely be absorbed within existing resources.

According to the Department of Business and Professional Regulation (DBPR), the cost of producing the sticker required by this legislation will be minimal and can be handled within existing resources. The bill also provides for a vehicle authorization program. DBPR currently operates a farm labor vehicle authorization program for the federal government pursuant to a contract with the U.S. Department of Labor.

The district school board or charter school that owns, operates, rents, contracts, or leases motor vehicles other than school buses would incur the cost of developing and adopting a policy that addresses procedures and liability for non-school bus trips.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 25, 2006, the Committee on Agriculture adopted five amendments to HB 255.

- **Amendment 1** requires the Department of Highway Safety and Motor Vehicles, on a quarterly basis, to provide the Department of Business and Professional Regulation with a copy of each accident report involving a farm labor vehicle.

- For the sake of consistency, **Amendment 2** adds the words "migrant or seasonal" to s. 450.33(12), F.S.
- **Amendments 3-4** increases the penalties for violations relating to farm labor vehicles.
- **Amendment 5** clarifies liability relating to the use of seatbelts provided.

On March 7, 2006 the Committee on Transportation adopted one amendment to HB 255.

- **Amendment 1** made the following changes to HB 255 with CS:
  - Revised the provisions for the transportation of students in a vehicle other than a school bus;
  - Provided for the use of vehicles other than school buses for mid-day trips to certain agriculture-related sites and events;
  - Revised the criteria for such vehicles and their use; and
  - Required district school boards and charter schools to adopt a policy that addresses procedures and liability.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to motor vehicle passenger safety; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing for consideration in civil proceedings of failure to use or require use of installed seat belts; requiring the Department of Highway Safety and Motor Vehicles to provide copies of certain accident reports to the Department of Business and Professional Regulation; providing a penalty; amending s. 318.18, F.S.; providing penalties for violation of specified farm labor vehicle requirements; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.;

revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the Department of Business and Professional Regulation to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport certain farm workers; requiring the display of the sticker; amending s. 1006.22, F.S.; revising provisions for the transportation of students in a vehicle other than a school bus; providing for use of such vehicle for mid-day trips to certain agriculture-related sites and events; revising criteria for such vehicles and their use; requiring district school boards and charter schools to adopt a policy that addresses procedures and liability for trips using vehicles other than school buses; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (61) and (62) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(61) MIGRANT OR SEASONAL FARM WORKER.--Any person employed in hand labor operations in ~~the~~ planting, cultivation, or harvesting ~~of~~ agricultural crops ~~who is not indigenous to, or domiciled in, the locale where so employed~~.

(62) FARM LABOR VEHICLE.--Any vehicle designed, used, or maintained for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

(a) Any vehicle carrying only members of the immediate family of the owner or driver.

(b) Any vehicle being operated by a common carrier of passengers.

(c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM WORKER CARRIER.--Any person who transports, or who contracts or arranges for the transportation of, nine or more migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or herself or the migrant farm worker's immediate family.~~

Section 2. Section 316.620, Florida Statutes, is repealed.

Section 3. Section 316.622, Florida Statutes, is created to read:

316.622 Farm labor vehicles.--

(1) Each owner or operator of a farm labor vehicle that is operated on the public highways of this state shall ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor under s. 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. s. 1841(b), and other applicable federal and state safety standards.

(2) On or after January 1, 2008, a farm labor vehicle having a gross vehicle weight rating of 10,000 pounds or less must be equipped at each passenger position with a seat belt assembly that meets the requirements established under Federal Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

(3) A farm labor contractor may not transport migrant or seasonal farm workers in a farm labor vehicle unless the display sticker described in s. 450.33 is clearly displayed on the vehicle.

(4) The owner or operator of a farm labor vehicle must prominently display in the vehicle standardized notification instructions requiring passengers to fasten their seat belts. The Department of Highway Safety and Motor Vehicles shall create standard notification instructions.

(5) Failure of any migrant or seasonal farm worker to use a seat belt provided by the owner of a farm labor vehicle under the provisions of this section shall not constitute negligence per se, and such failure shall not be used as prima facie evidence of negligence or considered in mitigation of damages; however, such failure may be considered as evidence of comparative negligence in any civil action.

(6) Failure of any owner or operator of a farm labor vehicle to require that all passengers be restrained by a seat belt when the vehicle is in motion may not be considered as evidence of negligence in any civil action, provided that such vehicle is otherwise in compliance with this section.

(7) Beginning the first quarter of the 2006-2007 fiscal year, and each quarter thereafter, the department shall provide

to the Department of Business and Professional Regulation a copy of each accident report involving a farm labor vehicle.

(8) A violation of this section is a noncriminal traffic infraction, punishable as provided in s. 318.18(16).

Section 4. Subsection (16) is added to section 318.18, Florida Statutes, to read:

318.18 Amount of civil penalties.--The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(16)(a) Two hundred dollars for a violation of s. 316.622(1) or (2), operating a farm labor vehicle which fails to conform to vehicle safety standards or lack of seat belt assemblies at each passenger position.

(b) One hundred dollars for a violation of s. 316.622(3) or (4), failing to display a sticker authorizing the vehicle to transport migrant or seasonal farm workers or failing to display standardized notification instructions requiring passengers to fasten their seat belts.

Section 5. Section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.--The provisions of s. 320.37 authorizing the operation of motor vehicles over the roads of this state by nonresidents of this state when such vehicles are duly registered or licensed under the laws of some other state or foreign country do not apply to any nonresident who accepts employment or engages in any trade, profession, or occupation in this state, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61). In

every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 10 days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02, is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 6. Subsection (1) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.--

(1) In every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 30 days after the commencement of

such employment or education, be required to obtain a Florida driver's license if such nonresident operates a motor vehicle on the highways of this state. The spouse or dependent child of such nonresident shall also be required to obtain a Florida driver's license within that 30-day period prior to operating a motor vehicle on the highways of this state.

Section 7. Subsection (3) of section 450.181, Florida Statutes, is amended to read:

450.181 Definitions.--As used in part II, unless the context clearly requires a different meaning:

(3) The term "migrant laborer" has the same meaning as migrant or seasonal farm workers as defined in s. 316.003(61).

Section 8. Subsection (3) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.--

(3) "Carpool" means an arrangement made by the workers using one worker's own vehicle ~~reached by and between farm workers~~ for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.

Section 9. Subsection (9) of section 450.33, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

450.33 Duties of farm labor contractor.--Every farm labor contractor must:

(9) Produce evidence to the department that each vehicle he or she uses for the transportation of employees complies with the requirements and specifications established in chapter 316,

s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L. No. 97-470 meeting Department of Transportation requirements or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.

(12) Clearly display on each vehicle used to transport migrant or seasonal farm workers a display sticker issued by the department which states that the vehicle is authorized by the department to transport migrant or seasonal farm workers and the expiration date of the authorization.

Section 10. Subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.--Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school

boards may regularly use motor vehicles other than school buses only under the following conditions:

1.~~(a)~~ When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2.~~(b)~~ When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3.~~(c)~~ When the transportation is provided through a public transit system.

4.~~(d)~~ When the transportation is for mid-day trips to and from school sites and agricultural education sites or for trips to and from agricultural education-related events and competitions. ~~When the transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover warning label may not be used.~~

(b) When the transportation of students is provided, as authorized in this subsection, in a vehicle, other than a school

bus, that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:

1. The vehicle must be a passenger car, multipurpose passenger vehicle, or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant protection system provided by the manufacturer unless the student's physical condition prohibits such use.

2. Authorized vehicles may not be driven by students on public rights-of-way. An authorized vehicle may be driven by a student on school or private property without other students in the vehicle as part of the student's educational curriculum.

3. Drivers of authorized vehicles transporting students must maintain a valid driver's license and must comply with the requirements of the district's locally adopted safe driver plan, including review of driving records for disqualifying violations.

4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

~~When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must be used unless the student's physical condition prohibits such use.~~

Section 11. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 255 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	____

Council/Committee hearing bill: State Resources Council

Representative Troutman offered the following:

Amendment (with title amendment)

Remove lines 200-272 and insert:

Section 10. Subsection (15) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.--All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(15) The proceeds from the fines as defined in s. 318.18(16) shall be remitted to the law enforcement agency issuing the citation for a violation of s. 316.622. The funds shall be utilized for continued education and enforcement of the provisions of s. 316.622 and other related safety measures contained in chapter 316.

========== T I T L E A M E N D M E N T ==========

Remove lines 29-37 and insert:

display of the sticker; amending s. 318.21, F.S.; providing for the disposition of fines levied for specified violations of s. 316.622 F.S.; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 261 Florida Incentive-based Permitting Act
SPONSOR(S): Stansel
TIED BILLS: **IDEN./SIM. BILLS:** SB 1906

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	7 Y, 0 N	Perkins	Kliner
2) Agriculture Committee	8 Y, 0 N	Kaiser	Reese
3) Agriculture & Environment Appropriations Committee	11 Y, 0 N	Dixon	Dixon
4) State Resources Council		Perkins RP	Hamby JAH
5)			

SUMMARY ANALYSIS

The bill creates the Florida Incentive-based Permitting Act. The purpose of the act is to provide the Department of Environmental Protection (DEP) with authority to consider the compliance history of a permit applicant who has applied for an incentive-based permit. Incentive-based permits include Level 1 and Level 2 incentives which include longer permit durations, expedited permit reviews, short-form permit renewals, and other incentives to reward and encourage continued compliance with state environmental regulations.

The bill provides authorization to DEP to develop rules associated with Level 1 and Level 2 incentives. The bill also encourages DEP to work with permittees and permit applicants to encourage compliance with regulatory requirements in order to avoid burdensome and expensive consequences of noncompliance.

The bill provides that Level 1 and Level 2 incentives are applicable to coastal construction permitting activities, consumptive use permitting, and construction permitting activities associated with management and storage of surface waters.

The bill amends the authority of DEP to revoke permits pursuant to certain conditions.

The bill does not appear to have a significant fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill streamlines the permit and renewal process conducted by DEP by establishing incentives to permit applicants with a history of compliance with permit conditions, requirements, and environmental laws of this state.

Promote personal responsibility: The bill addresses personal responsibility by creating incentives for compliance with the permit conditions, requirements, and environmental laws of this state.

B. EFFECT OF PROPOSED CHANGES:

Issue – Incentive-based Permitting Program

Present Situation

The State of Florida regulates the impacts of certain activities on the environment primarily through three chapters of the Florida Statutes: Chapters 403, 161, and 373, F.S.

Chapter 403, F.S., is known and cited as the "Florida Air and Water Pollution Control Act." It is a matter of public policy of the state to protect and conserve the waters of the state along with maintaining safe levels of air quality for the citizens, wildlife, and aquatic life.[1] DEP is responsible for issuing permits for stationary installations that are reasonably expected to be a source of air and water pollution.[2] Section 403.087(3), F.S., provides for a regulatory incentive for compliance with existing regulations to include a financial incentive available for a renewal of an operation permit for a domestic wastewater treatment facility provided the facility meets certain conditions.

Parts I and II of Chapter 161, F.S., are known and cited as the "Beach and Shore Preservation Act." The 825 miles of sandy coastline fronting the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida are considered by many to be part of Florida's most valuable natural resources. In order to protect, preserve, and manage Florida's sandy beaches and adjacent coastal systems, the Legislature adopted the Beach and Shore Preservation Act contained in Parts I and II of Chapter 161, F. S.[3] For instance, any coastal construction, reconstruction of existing structures, or physical activity undertaken specifically for shore protection purposes upon sovereignty lands of Florida requires a coastal construction permit issued by DEP.[4]

Chapter 373, F.S., is known and cited as the "Florida Water Resources Act of 1972." It is a state policy that the waters in Florida be managed on a state-wide and regional basis because water constitutes a public resource benefiting the entire state.[5] Prior to construction or alteration of any stormwater management system, dam, impoundment, and reservoir appurtenant work, the DEP or the governing board of a water management district may require a permit authorizing the construction or alteration activity.[6]

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[1] s. 403.021, F.S.
[2] s. 403.087, F.S.
[3] http://www.dep.state.fl.us/beaches/programs/about.htm
[4] s. 161.041, F.S.
[5] s. 373.016(4)(a), F.S.
[6] s. 373.413, F.S.

Through its own administrative rules the DEP lists standards for issuing, or denying, permitting applications.[7] The DEP does consider an applicant's violation of DEP rules and regulations, but there is no administrative rule that allows for the consideration of continued compliance with existing environmental standards in Florida Statutes or the Florida Administrative Code.

Effect of Proposed Change

The bill creates section 403.0874, F.S., as an act to be known and cited as the Florida Incentive-based Permitting Program. The purpose of the act is to provide DEP with authority to consider a history of regulatory compliance by an applicant when DEP is considering whether to issue or reissue a permit to the applicant. It is incumbent on the applicant to request incentives as part of the permit application. Unless otherwise prohibited by state or federal law, agency rule, or federal regulation, and provided the applicant meets all other applicable criteria for the issuance of a permit, an applicant meeting the specified criteria qualifies for the following incentives:

Level 1 Requirements:
Applicant shall be entitled to incentives at a site based on the following:

- If the applicant conducted the regulated activity for at least 4 of the 5 years preceding submittal of the permit application or,
- If the activity is a new regulated activity, the applicant conducted a similar regulated activity under an agency permit for at least 4 of the 5 years at a different site in the state preceding submittal of the permit application.

An applicant shall not be entitled to incentives if the applicant has a history that includes any violation that resulted in enforcement action and the violation resulted in significant harm to human health or the environment at the subject site. Alleged violations shall not be considered unless a consent order or other settlement has been entered into or the violation has been adjudicated.

Level 1 Incentives:

- **Automatic Renewal of Permit:** A renewal of a permit shall be issued for a period of 5 years. In addition, after notice and opportunity for public comment, the permit may be automatically renewed for an additional 5 years without DEP action unless DEP determines, based on information submitted by the applicant or resulting from the public comments or its own records, that the applicant has committed violations during the review period that disqualify the applicant from receiving the automatic or expedited renewal.
- **Expedited Permit Review:** Processing time following receipt of a completed application shall be 45 days for the issuance of DEP action.
- **Short-form Renewals:** Renewals of permits not involving substantial construction or expansion may be made upon a shortened application form specifying only the changes in the regulated activity or a certification by the applicant that no changes in the regulated activity are proposed if that is the case.

Level 2 Requirements:
Applicant shall be entitled to incentives at a site based on the following:

- If the applicant meets the requirements for Level 1, and
- If the applicant takes any other actions not otherwise required by law that result in:
    a. Reduction in actual or permitted discharges or emissions;
    b. Reduction in the impacts of regulated activities on public lands or natural resources;
    c. Waste reduction or reuse;
    d. Implementation of a voluntary environmental management system; or
    e. Other similar actions as determined by DEP rule.

[7] Rule 62-4070, F.A.C.

Level 2 Incentives:

- May include all Level 1 incentives.
- Issuance of 10 year permits, provided the applicant has conducted a regulated activity at the site for at least 5 years.
- Fewer routine inspections than other regulated activities similarly situated
- Expedited review of requests for permit modifications.
- DEP recognition, program-specific incentives, or certifications in lieu of renewal permits.
- No more than two requests for additional information.

The bill requires DEP to enter into rulemaking within six months after the effective date of this bill for Level 1 and Level 2 incentives. The rule is to specify incentives, qualifications, and how extended permits may be transferred. Incentives will not be available to permit applicants until the implementing rules are adopted.

The bill encourages DEP to work with applicants and permittees to encourage compliance in order to avoid the costly consequences associated with noncompliance activities.

The bill expands current statutory language to provide for Level 1 and Level 2 incentives to be applicable to permitting of coastal construction activities identified in Chapter 161, F.S., consumptive use permits in section 373.219, F.S., and permitting construction activities associated with management and storage of surface waters in part IV of Chapter 373, F.S.

Issue – Revocation of Permits

Present Situation

Section 403.087, F. S., is the statutory authority relating to the general issuance, denial, revocation, prohibition, and penalties associated with permits issued by DEP. Section 403.087(2), F.S., authorizes DEP to adopt, amend, or repeal rules for the issuance, denial, modification, and revocation of permits under this section. Chapter 62-4.100, F.A.C., provides that DEP revocation shall not become effective except after written notice is served by personal service, certified mail, or newspaper notice and upon the person(s) named therein and a hearing held, if requested, within the time specified within the notice.

Effect of Proposed Change

The bill amends section 403.087(7), F.S., to provide that DEP may revoke a permit only if the permitholder commits one of the listed acts.

The table below illustrates a comparison of the current law and the proposed language in the bill:

Section 403.087(7) F.S. A permit issued pursuant to this section shall not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permitholder:	
CURRENT LAW	**PROPOSED LAW**
(a) Has submitted false or inaccurate information in his or her application;	(a) Has submitted **material** false or inaccurate information in **the** application **for such permit when true or accurate information would have warranted denial of the permit initially**;
(b) Has violated law, department orders, rules, or regulations, or permit conditions;	(b) Has violated law, department orders, rules, or regulations, or conditions **directly related to such permit**;
(c) Has failed to submit operational reports or other information required by department rule or regulation; or	(c) Has failed to submit operational reports or other information required by department rule or regulation **directly related to such permit**; or
(d) Has refused lawful inspection under s. 403.091.	(d) Has refused lawful inspection under s. 403.091 **at the facility authorized by such permit**.

Note: Bold underlined text is proposed statutory language.

C. SECTION DIRECTORY:

Section 1. Creates s. 403.0874, F.S., to provide a section name, legislative findings and public purpose, definitions, compliance incentives, and rulemaking.

Section 2. Creates s. 161.041(5), F.S., to provide that the Incentive-based Permitting Program provisions of s. 403.0874, F.S., are applicable to all permits issued under Chapter 161, F.S.

Section 3. Creates s. 373.219(3), F.S., to expand Incentive-based Permit Program provisions to consumptive use permits.

Section 4. Creates s. 373.413(6), F.S., to provide that the Incentive-based Permitting Program provisions of s. 403.0874, F.S., are applicable to permits issued under part IV of Chapter 373, F.S.

Section 5. Amends s. 403.087 (7), F.S., relating to revocation of permits.

Section 6. Provides the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

Non-recurring Effects: This bill includes rulemaking authority to implement the bill's provisions. Rulemaking costs will be insignificant and non-recurring. These costs include DEP's efforts to publicize a proposed rule through mail-outs and public workshops around the state, as well as costs associated with publication and process requirements pursuant to Chapter 120, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides an opportunity for a cost savings associated with obtaining and renewing a permit for an eligible permit applicant. The issuance of the permit may be expedited and, in some cases, may be automatically renewed.

D. FISCAL COMMENTS:

DEP states that the bill may encourage non-compliance with environmental regulations that could result in increased response costs and possibly increased costs for compliance/enforcement staff. In addition, DEP states that the time in which the permits must be reviewed will be greatly reduced, causing a need for additional permitting staff to do the reviews, or resulting in backlogs that will have substantive and fiscal consequences to the department and to permit applicants. The funding DEP receives from permit fees may be reduced.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

RULE-MAKING AUTHORITY:

DEP would be required to create additional rules for the implementation of this act.

B. DRAFTING ISSUES OR OTHER COMMENTS:

DEP Comments:
DEP reports that under current law, it is unusual in state licensing/certification/permitting procedures for an agency to provide incentives to applicants to comply with existing legal requirements. DEP indicates that after having discussions with the Department of Highway Safety and Motor Vehicles and the Department of Business and Professional Regulation concerning drivers and business licensing issuance and renewals, neither agency provides incentives to applicants merely because the applicants have obeyed relevant laws and regulations. DEP maintains this bill allows incentives too easily to be obtained, revocations more difficult, and restricts the scope of the agency review of permit applications. DEP reports that the bill may exclude certain programs from the incentive provisions if federal law or regulation would otherwise prohibit those incentives and the bill may impact DEP's siting certifications under Chapter 403, F.S.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

A bill to be entitled

An act relating to the Florida Incentive-based Permitting Act; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; amending ss. 161.041, 373.219, and 373.413, F.S.; specifying application of Incentive-based Permitting Program provisions; amending s. 403.087, F.S.; revising criteria for department permit issuance to conform; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 403.0874, Florida Statutes, is created to read:

403.0874 Incentive-based Permitting Program.--

(1) SHORT TITLE.--This section may be cited as the "Florida Incentive-based Permitting Act."

(2) LEGISLATIVE FINDINGS; PUBLIC PURPOSE.--

(a) The Legislature finds and declares that a permit applicant's history of compliance with applicable permit conditions and requirements and the environmental laws of this state is a factor that should be considered by the agency when

the agency is considering whether to issue or reissue a permit to an applicant, based upon compliance incentives under this section.

(b) Permit applicants with a history of compliance with applicable permit conditions and requirements and the environmental laws of this state should be eligible for longer permits, expedited permit reviews, short-form permit renewals, and other incentives to reward and encourage such applicants.

(c) The agency is encouraged to work with permittees and permit applicants to encourage compliance and avoid burdensome and expensive consequences of noncompliance.

(d) It is therefore declared to be the purpose of this section to provide the agency with clear and specific authority to consider the compliance history of a permit applicant who has applied for an incentive-based permit.

(3) DEFINITIONS.--For purposes of this section:

(a) "Agency" means the Department of Environmental Protection.

(b) "Applicant" means the proposed permittee or transferee, owner, or operator of a regulated activity seeking an agency permit.

(c) "Environmental laws" means any state or federal law that regulates activities for the purpose of protecting the environment, or for the purpose of protecting the public health from pollution or contaminants, but does not include any law that regulates activities for the purpose of zoning, growth management, or land use. The term includes, but is not limited

to, chapter 161, parts II and IV of chapter 373, and chapter 403.

(d) "Regulated activity" means any activity, including, but not limited to, the construction or operation of a facility, installation, system, or project, for which a permit or certification is required by law.

(e) "Site" means a single parcel, or multiple contiguous or adjacent parcels, of land on which the applicant proposes to conduct, or has conducted, a regulated activity.

(4) COMPLIANCE INCENTIVES.--In order to obtain compliance incentives, the applicant must affirmatively request such incentives as part of the permit application. Unless otherwise prohibited by state or federal law, agency rule, or federal regulation, and provided the applicant meets all other applicable criteria for the issuance of a permit, any applicant who meets the criteria set forth in this subsection is entitled to the following incentives:

(a) Level 1.--

1. An applicant shall be entitled to incentives pursuant to this paragraph at a site if the applicant conducted the regulated activity for at least 4 of the 5 years preceding submittal of the permit application or, if the activity is a new regulated activity, the applicant conducted a similar regulated activity under an agency permit for at least 4 of the 5 years at a different site in this state preceding submittal of the permit application. However, an applicant shall not be entitled to incentives under this paragraph if the applicant has a relevant compliance history at the subject site that includes any

violation that resulted in enforcement action and the violation resulted in the potential for harm to human health or the environment. Alleged violations shall not be considered unless a consent order or other settlement has been entered into or the violation has been adjudicated.

2. Level 1 incentives shall include:

a. Automatic renewal of permit.--A renewal of a permit shall be issued for a period of 5 years and shall, after notice and an opportunity for public comment, be automatically renewed for one additional 5-year term without agency action unless the agency determines, based on information submitted by the applicant or resulting from the public comments or its own records, that the applicant has committed violations during the relevant review period that disqualify the applicant from receiving the automatic or expedited renewal.

b. Expedited permit review.--The processing time following receipt of a completed application shall be 45 days for the issuance of the agency action.

c. Short-form renewals.--Renewals of permits not involving substantial construction or expansion may be made upon a shortened application form specifying only the changes in the regulated activity or a certification by the applicant that no changes in the regulated activity are proposed if that is the case. Applicants for short-form renewals shall complete and submit the prescribed compliance form with the application and shall remain subject to the compliance history review of this section. All other procedural requirements for renewal applications remain unchanged. This provision shall supplement

any expedited review processes found in agency rules.

d. Rulemaking.--Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 1 incentives. The rule shall specify what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 1 incentives shall not be available to permit applicants under this section.

(b) Level 2.--

1. An applicant shall be entitled to incentives pursuant to this paragraph if the applicant meets the requirements for Level 1 and the applicant takes any other actions not otherwise required by law that result in:

a. Reductions in actual or permitted discharges or emissions;

b. Reductions in the impacts of regulated activities on public lands or natural resources;

c. Waste reduction or reuse;

d. Implementation of a voluntary environmental management system; or

e. Other similar actions as determined by agency rule.

2. Level 2 incentives may include all Level 1 incentives and shall also include:

a. Ten-year permits, provided the applicant has conducted a regulated activity at the site for at least 5 years.

b. Fewer routine inspections than other regulated activities similarly situated.

c. Expedited review of requests for permit modifications.

d. Agency recognition, program-specific incentives, or certifications in lieu of renewal permits.

e. No more than two requests for additional information.

(c) Rulemaking.--Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 2 incentives. The rule shall specify what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 2 incentives shall not be available to permit applicants under this section.

Section 2. Subsection (5) is added to section 161.041, Florida Statutes, to read:

161.041 Permits required.--

(5) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to all permits issued under this chapter.

Section 3. Subsection (3) is added to section 373.219, Florida Statutes, to read:

373.219 Permits required.--

(3) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to all permits issued under this part.

Section 4. Subsection (6) is added to section 373.413, Florida Statutes, to read:

373.413 Permits for construction or alteration.--

(6) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to permits issued under this section.

Section 5. Subsection (7) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.--

(7) A permit issued pursuant to this section shall not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permitholder:

(a) Has submitted material false or inaccurate information in the ~~his or her~~ application for such permit when true or accurate information would have warranted denial of the permit initially;

(b) Has violated law, department orders, rules, or regulations, or ~~permit~~ conditions directly related to such permit;

(c) Has failed to submit operational reports or other information required by department rule or regulation directly related to such permit; or

(d) Has refused lawful inspection under s. 403.091 at the facility authorized by such permit.

Section 6. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 641 CS Animal Service Providers
SPONSOR(S): Russell
TIED BILLS: **IDEN./SIM. BILLS:** SB 1654

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	9 Y, 1 N, w/CS	Kaiser	Reese
2) Business Regulation Committee	15 Y, 0 N, w/CS	Livingston	Liepshutz
3) State Resources Council		Kaiser	Hamby
4)			
5)			

SUMMARY ANALYSIS

The Florida Veterinary Practice Act (Chapter 424, F.S.), "finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners. It provides exemptions relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One exemption specifies that this chapter does not apply to:

> "any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals..."

This legislation amends the list of exemptions currently contained in the Florida Veterinary Practice Act. The legislation expands the current exemption for owner's administering to their own animals to apply to:

> "a person hired on a part-time or temporary basis, or as an independent contractor, by an owner of an animal or a herd or flock of animals to assist with her management, wellness, and animal-husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or to provide manual hand floating of teeth or farriery of equines."

This bill does not appear to have a fiscal impact on state or local government. The effective date of this legislation is July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty: The bill affords animal owners the ability to provide additional means of health care for their animals.

B. EFFECT OF PROPOSED CHANGES:

The Florida Veterinary Practice Act (Chapter 424, F.S.), "finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners. It provides exemptions relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One exemption specifies that this chapter does not apply to:

> "any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals..."

The bill amends the list of exemptions currently contained in the Florida Veterinary Practice Act.

The bill expands the current exemption for owner's administering to their own animals to apply to:

> "a person hired on a part-time or temporary basis, or as an independent contractor, by an owner of an animal or a herd or flock of animals to assist with her management, wellness, and animal-husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or to provide manual hand floating of teeth or farriery of equines."

C. SECTION DIRECTORY:

Section 1. Amends s. 474.203, F.S., to create additional exemptions from the Florida Veterinary Practice Act.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None

2. Expenditures:

   None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On Wednesday, February 22, 2006, the Committee on Agriculture adopted a strike-all amendment to HB 641. The amendment expands the current exemption for owner's administering to their own animals to include the owner's regular or temporary employee or an independent contractor. It further expands the exemption to include farriery, nonmechanical floating of teeth, debeaking, and parasite control, which apply to livestock and flock animals, as well as herd animals.

The amendment also provides for independent contractors offering nonmedical services to complete minimum required hours of training by July 1, 2008. The minimum required hours for each service are provided in the amendment.

On March 16, 2006, the Business Regulation Committee adopted one strike all amendment which modified the bill in the following manner and reported the bill favorably with committee substitute.

- Removes language in the original bill and expands the current exemption for owner's administering to their own animals to include the owner's part-time or temporary hired hands. The exemption applies to specific activities relating to an animal or a herd or flock of animals to

assist with herd management, wellness, and animal-husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or to provide manual hand floating of teeth or farriery of equines.

CHAMBER ACTION

The Business Regulation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to animal service providers; amending s. 474.203, F.S.; providing that ch. 474, F.S., relating to veterinary medical practice, does not apply to a part-time worker or an independent contractor who is hired by the owner of an animal or a herd or flock of animals to provide certain services concerning such animal, herd, or flock; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.--This chapter shall not apply to:

(5)(a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title has been transferred or employment provided for the purpose of circumventing this law.

This exemption shall not apply to out-of-state veterinarians practicing temporarily in the state. However, only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.

(b) A person hired on a part-time or temporary basis, or as an independent contractor, by an owner of an animal or a herd or flock of animals to assist with herd management, wellness, and animal-husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or to provide manual hand floating of teeth or ferriery of equines.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 641 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council hearing bill: State Resources Council

Representative Russell offered the following:

Amendment

Remove line 34 and insert:

provide manual hand floating of teeth or farriery of equines.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 705 Surplus State Lands
SPONSOR(S): Littlefield
TIED BILLS: **IDEN./SIM. BILLS:** SB 1512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	6 Y, 0 N	Perkins	Kliner
2) Transportation & Economic Development Appropriations Committee	19 Y, 0 N	McAuliffe	Gordon
3) State Resources Council		Perkins RP	Hamby JZC
4)			
5)			

SUMMARY ANALYSIS

The bill amends surplus land statutory provision to permit the Department of Environmental Protection (DEP) to return any parcel of surplus land less than three acres in size that was gifted or conveyed to the state by a fair association prior to 1955. The land will be returned by the state to the fair association at no cost provided the DEP files a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

The bill does not appear to have a significant fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The parcel of land affected by this bill is located in Pasco County, Florida and was conveyed to the State Board of Education from the Pasco County Fair Association in 1954. The property was to be used by the University of Florida Agricultural Experiment Station as a Poultry Diagnostic Clinic. The Pasco County Fair Association requested that in the event the property would no longer be used by the experiment station that the property revert back to the Pasco County Fair Association. However, the deed did not contain such a reverter clause.

Section 253.034, F. S., provides the criteria for the state to dispose of surplus lands. State lands identified as surplus are offered to local governments first and if the local governments have no interest in acquiring the proposed surplus property, the surplus land is then available for sale on the private market.

Presently, there is no surplus criteria identified in statute associated with lands previously gifted or conveyed to the state by a fair association incorporated under Chapter 616, F. S.

Effect of Proposed Change

The bill amends section 253.034, F. S., to permit DEP to return any parcel of surplus land less than three acres in size which was conveyed or gifted to the state by a fair association prior to 1955 at no cost. This land must have been incorporated under chapter 616, F.S., for the purpose of conducting and operating public fairs or expositions. DEP is required to file a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends s. 253.034(6)(f), F.S., relating to surplus state-owned lands.

Section 2. Provides the act will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Bureau of Appraisal, Division of State Lands, has estimated a value range for the property to be between $130,000 to $175,000 and the improvements located on the property to range in value from $0.00 to $30,000. Note, this is not an official appraised value; however, it is indicative of a potential range of value for the property and improvements based on comparable sales in the area.

If the state were to surplus this land to the private market, the state would expect revenue based on the fair market value of the appraised value of the property.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Pasco County Fair Association will be the beneficiary of a parcel of land previously conveyed to the Florida Board of Education in 1954.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Division of Forestry (DOF) Comments:
The property referred to in HB 705 was deeded to the Board of Education by the Pasco County Fair Association in 1954. It was used as an animal diagnostic lab until the mid-1990's, and was then leased to DOF by the Trustees in 1996. The improvements made by the Division of Animal Industry were transferred to DOF's inventory in September 1996. If the bill passes the land will revert back to the Pasco County Fair Association. The improvements were built after the title transferred to the State. There are two improvements on the DOF property inventory - a concrete block structure and a fence. The DOF objective is to dispose of the building without any significant expense. The Pasco County Fair Association advises that if the legislation passes and the building is put out for bids, the Pasco County Fair Association will submit a bid so if a third party does not purchase the building to be moved off site, the Pasco County Fair Association will acquire the building. This would achieve DOF's objective on the structures.

DEP Comments:
The department is only aware of one parcel that would fit the criteria in the bill at the present time and recommends the bill be amended to reflect the following language underlined:

Notwithstanding subparagraph 1., any parcel of surplus lands, less than 3 acres in size, that was acquired by the state prior to 1955 by gift or other conveyance for no consideration from a fair association incorporated under chapter 616 for the purpose of conducting and operating public fairs or expositions, and for which the department has filed by July 1, 2007, a notice of intent to surplus, shall be offered for reconveyance to such fair association at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2007.

Due to the specific criteria and limited effective time period, DEP does not feel this bill would have a significant impact to the Board of Trustees of the Internal Improvement Trust Fund, as long as the suggested revisions are made.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

A bill to be entitled

An act relating to surplus state lands; amending s. 253.034, F.S.; providing for reconveyance of certain state lands to certain fair associations at no cost under certain circumstances; providing for expiration; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government

in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplusing process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any surplus lands that were acquired by the state prior to 1958 by a gift or other conveyance for no consideration from a municipality, and which the department has filed by July 1, 2006, a notice of its intent to surplus, shall be first offered for reconveyance to such municipality at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2006.

3. Notwithstanding subparagraph 1., any parcel of surplus lands less than 3 acres in size that was acquired by the state

prior to 1955 by gift or other conveyance for no consideration from a fair association incorporated under chapter 616 for the purpose of conducting and operating public fairs or expositions, and for which the department has filed by July 1, 2007, a notice of intent to surplus, shall be offered for reconveyance to such fair association at no cost. This subparagraph expires July 1, 2007.

Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 705**

COUNCIL/COMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Council/Committee hearing bill: State Resources Council

Representative Littlefield offered the following:

Amendment (with directory and title amendments)

Remove line(s) 62-63 and insert:

fair association, however, the agency that last held a lease from the Board of Trustees for management of said property may remove from said lands any and all improvements, fixtures, goods, wares, and merchandise within 180 days of the effective date of the reconveyance. This subparagraph expires July 1, 2007.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1133 Key Largo Wastewater Treatment District, Monroe County
SPONSOR(S): Sorensen
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N	Camechis	Hamby
2) State Resources Council		Hamby	Hamby
3)			
4)			
5)			

SUMMARY ANALYSIS

The Key Largo Wastewater Treatment District is currently authorized to impose fees, rental, and other charges for the use of any wastewater management system facilities. If a property owner fails to timely pay any such charge, the District is authorized to impose penalties and interest, discontinue service, and recover delinquent charges in a court of competent jurisdiction.

This bill provides that delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, and reasonable attorneys' fees and other expenses constitute a lien, subject to the limitations in s. 4, Art. X of the State Constitution, on the real property against which such fees, rentals, or other charges were assessed, coequal with any lien of state, county, or municipal taxes and superior and paramount to all other liens, titles, and claims against such property. The District retains all current authority to collect delinquent fees, rentals, or other charges. Imposition of liens and foreclosure of such liens against homestead and exempt personal property may be limited by s. 4, Art. X of the State Constitution depending upon whether the fees, rentals, or other charges imposed by the District are considered "assessments" for purposes of the constitutional limitation.[1]

According to the Economic Impact Statement, this bill will not have fiscal impact in FY 06-07 or FY 07-08.

[1] 48 Fla. Jur 2d Special Assessments § 3

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility - This bill authorizes imposition of a lien against property if the owner of the property fails to timely pay fees, rentals, or other charges lawfully imposed by the District.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Key Largo Wastewater Treatment District

The Key Largo Wastewater Treatment District (District) was created by the Legislature in 2002[2] as an independent special district to construct and operate facilities for the collection and treatment of wastewater in an area within Monroe County consisting of all lands east of Tavernier Creek, including Key Largo and Cross Key, with the exception of Ocean Reef. The District is authorized to exercise all powers within its boundaries for the collection and treatment of wastewater formerly exercised by the Florida Keys Aqueduct Authority pursuant to ch. 76-441, L.O.F., as amended.

The District is authorized by its charter[3] to fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The District may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the district may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The District may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, and reasonable attorneys' fees and other expenses may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment by any other lawful method of enforcement.

Liens Against Property Generally

Article X, section 4 of the State Constitution provides in pertinent part as follows:

> (a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:
>
> (1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family;
>
> (2) personal property to the value of one thousand dollars.
>
> (b) These exemptions shall inure to the surviving spouse or heirs of the owner.

[2] Ch. 2002-337, L.O.F.
[3] Ch. 2002-337, L.O.F., Section 4(2)(j) of Section 1.

Under this provision of the Constitution, a debtor's homestead and personal property is exempt from forced sale under process of any court, and no judgment, decree, or execution will constitute a lien on the property, except for the payment of taxes and assessments, obligations contracted for the purchase, improvement, or repair thereof, or obligations contracted for the house or field, or other labor performed on the realty.[4]

Chapter 222, F.S., provides procedures for homeowners and personal property owners who wish to avail themselves of the constitutional and statutory exemption from forced sale and provides judicial procedures for determining qualification for the exemptions.

Effect of Proposed Changes

This bill provides that delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, and reasonable attorneys' fees and other expenses constitute a lien, subject to the limitations in s. 4, Art. X of the State Constitution, on the real property against which such fees, rentals, or other charges were assessed, coequal with any lien of state, county, or municipal taxes and superior and paramount to all other liens, titles, and claims against such property. The District retains all current authority to collect delinquent fees, rentals, or other charges.

Imposition of liens and foreclosure of such liens against homestead and exempt personal property may be limited by s. 4, Art. X of the State Constitution depending upon whether the fees, rentals, or other charges imposed by the District are considered "assessments" for purposes of the constitutional limitation.[5]

C. SECTION DIRECTORY:

Section 1. Amends ch. 2002-337, L.O.F., to authorize imposition of liens against the real property against which delinquent fees, rentals or other charges were assessed.

Section 2. Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? January 13, 2006

WHERE? The Reporter, Tavernier, Monroe County, Florida

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

[4] 24A Fla. Jur 2d Executions § 28
[5] 48 Fla. Jur 2d Special Assessments § 3

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: Rule-making authority is not addressed in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

HOUSE OF REPRESENTATIVES

2006 LOCAL BILL CERTIFICATION

BILL #: (Tracking # 14751)

SPONSOR(S): Rep. Ken Sorensen

RELATING TO: Key Largo Wastewater District Board
[Indicate Area Affected (City, County, Special District) and Subject]

NAME OF DELEGATION: Monroe County

CONTACT PERSON: Ken Sorensen

PHONE # and E-Mail: (305) 853-1947 ken.sorensen@myfloridahouse.gov

I. *House policy requires that three things occur before a council or a committee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) a local public hearing by the legislative delegation must be held in the area affected; and (3) at or after any local public hearing, held for the purpose of hearing the local bill issue(s), the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the legislative delegation.* ***Local bills will not be considered by a council or a committee without a completed, original Local Bill Certification Form.***

(1) Does the delegation certify that the purpose of the bill cannot be accomplished locally? YES [X] NO [ ]

(2) Has a public hearing been held? YES [X] NO [ ]

Date hearing held: January 20, 2006

Location: Key Largo

(3) Was this bill formally approved by a majority of the delegation members?
YES [X] NO [ ] UNIT RULE [ ] UNANIMOUS [ ]

II. *Article III, Section 10, of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES [X] NO [ ] DATE [January 13, 2006 **]**

Where? Key Largo **County** Monroe

Referendum in lieu of publication: YES [ ] NO [X]

III. *Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

Has this constitutional taxation requirement been met?
YES [ ] NO [ ] NOT APPLICABLE [X]

House policy requires that an Economic Impact Statement for local bills be prepared at the local level.

Ken Sorensen 1/20/2006

Delegation Chair *(Original Signature)* **Date**

HOUSE OF REPRESENTATIVES

2006 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House of Representatives that no bill will be considered by a council or a committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible, this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the Local Government Council as soon as possible after the bill is filed.

BILL #: (Tracking # 74751)

SPONSOR(S): Sorensen

RELATING TO: KEY LARGO WASTEWATER TREATMENT DISTRICT

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	FY 06-07	FY 07-08
Expenditures:	0	0

II. ANTICIPATED SOURCE(S) OF FUNDING:

	FY 06-07	FY 07-08
Federal:	0	0
State:	0	0
Local:	0	0

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	FY 06-07	FY 07-08
Revenues:	0	0

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: This legislation will lower District borrowing costs, making utility rates lower.

Disadvantages:

None

V. **ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:**

None

VI. **DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:**

No calculations made

PREPARED BY: Thomas McMillan 1/20/2006
[Must be signed by Preparer] Date

TITLE: District Counsel

REPRESENTING: Key Largo Wastewater Treatment Dist.

PHONE: (305-453-5804)

E-Mail Address: lawtmd@bellsouth.net

A bill to be entitled

An act relating to Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida; providing for liens against real property under certain circumstances involving delinquent fees, rentals, or other charges; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (j) of subsection (2) of section 4 of section 1 of chapter 2002-337, Laws of Florida, is amended to read:

Section 4. District powers, functions, and duties.--

(2) The district is hereby authorized and empowered:

(j) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The district may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the district may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The district may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other

charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, and reasonable attorneys' fees and other expenses shall constitute a lien, subject to the limitations in s. 4, Art. X of the State Constitution, on the real property against which such fees, rentals, or other charges were assessed, coequal with any lien of state, county, or municipal taxes and superior and paramount to all other liens, titles, and claims against such property, and may be recovered by the district by suit in any court of competent jurisdiction. The district may also enforce payment by any other lawful method of enforcement.

Section 2. This act shall take effect upon becoming a law.